

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Muneef Halawa	Team: Squad #9	CCRB Case #: 201805230	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/17/2017 9:00 PM	Location of Incident: 5th Precinct stationhouse	Precinct: 05	18 Mo. SOL 2/17/2019	EO SOL 2/17/2019	
Date/Time CV Reported Fri, 06/29/2018 12:41 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 06/29/2018 12:41 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Michael Medina	05283	928768	005 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Michael Medina	Abuse: Detective Michael Medina threatened to remove § 87(2)(b) to the hospital	
B.DT3 Michael Medina	Abuse: Detective Michael Medina threatened to arrest § 87(2)(b)	

Case Summary

On June 29, 2018, § 87(2)(b) filed this complaint online via the CCRB's website.

On August 17, 2017, at 9:00 p.m., § 87(2)(b) was scheduled to meet with Detective Michael Medina at the 5th Precinct stationhouse, regarding an allegation of grand larceny that occurred in 2016. The allegation was filed by § 87(2)(b)'s former employer, § 87(2)(b). § 87(2)(b) stated that she used to sign checks with § 87(2)(b)'s name for payroll purposes.

On August 17, 2017, at 9:00 p.m., § 87(2)(b) arrived at the 5th Precinct stationhouse with her friend, § 87(2)(b). § 87(2)(b) did not witness the interaction between § 87(2)(b) and Det. Medina.

After the interrogation was over, and Det. Medina and § 87(2)(b) were walking out and passing through the interrogation room door, Det. Medina allegedly turned around and whispered, "If you gonna make any health complaints, we will lock you up in the psychiatric ward." (**Allegation A – Abuse of Authority - Threat of Removal to Hospital:** § 87(2)(g)). Det. Medina handcuffed § 87(2)(b) and informed her that she would be taken to central booking.

In a June 6, 2018, email exchange between Det. Medina and § 87(2)(b), Det. Medina wrote "PS: stop emailing and harassing § 87(2)(b) or there will be another warrant out for your arrest. Thank you." (**Allegation B – Abuse of Authority - Threat of Arrest:** § 87(2)(g)).

There is no video footage for this incident.

Findings and Recommendations

Allegation (A) - Abuse of Authority: Detective Michael Medina threatened to remove § 87(2)(b) to the hospital.

§ 87(2)(b) was interviewed at the CCRB on July 27, 2018 (Board Review # 01). § 87(2)(b) stated that after the interrogation was over and while walking out of the interrogation room, Det. Medina whispered, "If you gonna make any health complaints, we will lock you up in the psychiatric ward."

Det. Medina was interviewed at the CCRB on September 5, 2018 (Board review # 02). Det. Medina stated that he interrogated § 87(2)(b) at the 5th Precinct stationhouse on August 17, 2017 after he received a complaint from § 87(2)(b)'s former employer, § 87(2)(b) who accused her of forging and signing payroll checks in his name, and cashing them to herself.

Det. Medina escorted § 87(2)(b) up the stationhouse stairs, to the second floor of the Detective's unit and into an interrogation room. § 87(2)(b) invoked her right to silence and refused to answer Det. Medina's questions. Shortly after, Det. Medina explained to § 87(2)(b) that she would be arrested for Grand Larceny, and informed her that she would be transported to Manhattan Central Booking. Det. Medina also informed § 87(2)(b) about the general medical procedure if she felt sick or needed medical attention or medication. Detective Medina denied making any other reference about going to any hospital. Det. Medina stated that § 87(2)(b) did not appear to be mentally unstable, nor did she make any verbal or physical threats to him or anyone else. § 87(2)(b) did not present to be a threat to herself or others, and did not appear suicidal. § 87(2)(b) did not present any signs that she needed to go to the hospital. Det. Medina denied threatening to remove § 87(2)(b) to the psychiatric ward, and denied hearing any officer threaten to remove § 87(2)(b) to the psychiatric ward.

§ 87(2)(g)

Allegation (B) - Abuse of Authority: Detective Michael Medina threatened to arrest § 87(2)(b)

In her interview with the CCRB, § 87(2)(b) stated that after her release from Manhattan Central Booking, she emailed Det. Medina and asked about a time she could come to the 5th Precinct stationhouse to recover her belongings. Det. Medina responded and informed § 87(2)(b) that she could recover her belongings at any time, and instructed her to "stop emailing and harassing § 87(2)(b) or there will be another warrant out for her arrest."

In his CCRB statement, Det. Medina denied threatening to arrest § 87(2)(b). Det. Medina explained that the statement he made in the June 6, 2018 email to § 87(2)(b) was a statement of fact, and not a threat. Det. Medina further explained that he included the statement in the email after he was contacted by § 87(2)(b) who stated that § 87(2)(b) contacted him repeatedly after her case was dismissed, and threatened and extorted him for money. Det. Medina stated that § 87(2)(b) informed him that he feared for his life and provided him with the emails § 87(2)(b) had sent. § 87(2)(b) stopped contacting § 87(2)(b) after the warning.

Det. Medina added that he informed the Assistant District Attorney of the harassment and extortion by § 87(2)(b) but the District Attorney's office focused on the Grand Larceny charges instead. Det. Medina explained that § 87(2)(b)'s emails and contacts to her former employer are considered aggravated harassment, which is an offense that she can be arrested for.

According to the New York State Penal Law Section 240.25, Harassment in the first degree, A person is guilty of harassment in the first degree when he or she intentionally and repeatedly harasses another person by following such person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which places such person in reasonable fear of physical injury Board Review # 03).

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party.
- Det. Medina has been a member of service for 17 years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- A Notice of Claim request was sent to the NYC Office of Comptroller on September 24, 2018. It will be included in the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (Board Review # 04).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date